

*** NOT FOR PUBLICATION ***

NO. 26252

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

DIPLOMAT TOURS AND TRAVEL INC., Plaintiff-Appellee

vs.

VERONICA B. LAZO, Defendant-Appellant

and

DELIA ENCARNACION ALUPAY dba PHIL USA TRAVEL & SERVICES,
Defendants

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
(CIV. NO. 1RC03-1-3438)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of the record, it appears that Civil No. 1RC03-1-3438 has not been finally decided inasmuch as judgment has not been entered on the claim against defendant Delia Alupay. The October 27, 2003 judgment against defendant-appellant Veronica Lazo was not certified as a final judgment pursuant to DCRCP 54(b). Thus, the appeal of the October 27, 2003 judgment is premature and we lack jurisdiction. See HRS § 641-1(a); DCRCP 54(b). Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, March 2, 2004.